

Stormwater General Permit NVR300000

**STATE OF NEVADA
DIVISION OF ENVIRONMENTAL PROTECTION**

**GENERAL PERMIT
FOR
STORMWATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY
FROM
METALS MINING ACTIVITIES**

AUTHORIZATION TO DISCHARGE

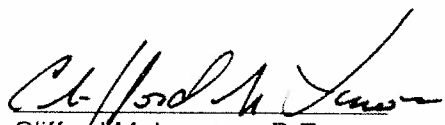
In compliance with the provisions of the federal Water Pollution Control Act as amended (33 U.S.C. 1251 et seq; the "Act") and Chapter 445A of the Nevada Revised Statutes (NRS) , eligible dischargers who have submitted a Notice of Intent and filing fee in accordance with Nevada Administrative Code (NAC) 445A.268, and Stormwater Pollution Prevention Plan as defined herein, are authorized to discharge Stormwater Associated with Industrial Activity from Metals Mining Activities to waters of the United States:

In accordance with conditions set forth in Parts I, and II hereof.

This permit shall become effective on: **June 1, 2007**

This permit and the authorization to discharge shall expire at midnight **June 1, 2012**.

Signed this 1st day of **June 2007**.



Clifford M. Lawson, P.E.
Bureau of Water Pollution Control
Nevada Division of Environmental Protection



Part I SPECIFIC CONDITIONS

I.A PERMIT OBJECTIVE

- I.A.1** The objective of this permit is to control and reduce pollution of Waters of the United States from Stormwater Discharges Associated with Industrial Activity from Metals Mining Activities (including exploration, development and reclamation activities) through the use of Best Management Practices (BMPs) implemented in accordance with good engineering practices.
- I.A.2** ***Waters of the U. S.*** is defined at 40 CFR §122.2. Discharges to storm drain systems that in turn discharge to Waters of the U.S. are considered to be discharges to Waters of the U.S.
- I.A.3** ***Best Management Practice*** is defined at 40 CFR §122.2 and in addition the term shall include erosion and sediment controls, conveyance, stormwater diversion, and treatment structures, and any procedure or facility used to minimize the exposure of pollutants to stormwater or to remove pollutants from stormwater.
- I.A.4** This General Permit covers all discharges of storm water that are subject to the review and approval by the Nevada Division of Environmental Protection (NDEP) identified below.
- I.A.5** Discharges shall be in accordance with the provisions of this General Permit:
- I.A.6** This permit authorizes the following:
- I.A.6.i** Stormwater Discharges Associated with Standard Industrial Classification Code 10 metal mining (metallic mineral/ores) Category iii as defined under 40 CFR §122.26(b) (14) Category III Mineral Industry and all construction-related activities as defined by 40 CFR § 122.26(b) (14) (x) and (b) (15) at mine sites.

I.B ELIGIBILITY, PERMIT REQUIREMENT, AND REQUEST FOR INCLUSION

- I.B.1** All facilities or persons who are planning to conduct any operations described in Part I.A.6 are eligible for this general permit.
- I.B.2** NRS 445A.465 prohibits the discharge of pollutants from a point source without a permit.
- I.B.3** Application deadlines are as follows:
- I.B.3.i** Existing Mining Facilities - Facilities that are authorized under the existing National Pollutant Discharge Elimination System (NPDES) permit for discharges associated with Metals Mining activity must submit a new Notice of Intent (NOI) within 90 days following the effective date of this permit.

- I.B.3.ii** Eligible dischargers are required to request inclusion in this general permit by completing a NOI and filing fee with NDEP no later than 2 days prior to the start of discharge. Provisional authorization begins 24 hours after a completed NOI is received by the Division.
- I.B.4** The NOI is available through the Division at http://ndep.nv.gov/bwpc/storm_mine03.htm. Provisional authorization begins 24 hours following receipt of the electronic NOI form by the Division. Following review of the NOI, the Division will determine the NOI is complete and confirm coverage by providing a notification and an authorization number, determine the NOI is incomplete and deny coverage until a completed NOI is submitted, or deny coverage and require an application for an individual permit be submitted. The minimum information required on a NOI consists of:
- I.B.4.i** Owner/Operator (Applicant) Information: Name, address, city, state, zip code and phone number
- I.B.4.ii** Project/Site Information: Project Name, Project Address/Location, City, State, Zip Code, Latitude, Longitude, County
- I.B.4.iii** Name of Receiving Water
- I.B.4.iv** Estimated Start Date
- I.B.4.v** Estimated Completion Date
- I.B.4.vi** Estimate of area to be disturbed (to nearest acre)
- I.B.4.vii** Estimate of Likelihood of Discharge
- I.B.4.viii** Address of location of the Stormwater Pollution Prevention Plan (SWPPP) for viewing, City, State, Zip Code, Phone
- I.B.4.ix** Certification statement signed and dated by the permittee.
- I.B.5** Any person signing a NOI shall make the following certification.
- “I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. I also confirm that a Storm Water Pollution Prevention Plan (SWPPP) has been completed, will be maintained at the project site from the start of activities, and that the SWPPP will be compliant with any applicable local sediment and erosion control plans. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines for knowing violations.”

- I.B.6** A NOT shall be submitted to NDEP upon project completion to end general permit coverage.
- I.B.7** The minimum information required on a NOT consists of:
- I.B.7.i** Stormwater general permit number
 - I.B.7.ii** Facility operator information: name, address, city, state, zip code, phone
 - I.B.7.iii** Facility/site location information: name, address, city, state, zip code, phone
 - I.B.7.iv** Certification statement signed and dated by the permittee.
- I.B.8** Any person signing a NOT shall make the following certification.
- “I certify under penalty of law that all storm water discharges associated with industrial activity from the identified facility that was authorized by a General Permit have been eliminated or that I am no longer the operator of the facility or site. I understand that by submitting this Notice of Termination, I am no longer authorized to discharge storm water associated with industrial activity under this General Permit, and that discharging pollutants in stormwater associated with industrial activity to waters of the U. S. is unlawful under the Clean Water Act where the discharge is not authorized by a NPDES permit. I also understand that the submittal of this Notice of Termination does not release an operator from liability for any violations of this permit or the Clean Water Act.”
- I.B.9** NDEP may require the holder of a general permit to apply for and obtain an individual permit in accordance with NRS 445A.480.
- I.B.10** Limitations on coverage: This permit does not authorize any discharges subject to effluent limitation guidelines at 40 CFR Part 440.
- I.B.11** Miscellaneous Non-stormwater Discharges: Permittees authorized under this permit may be authorized for certain miscellaneous non-stormwater discharges if those discharges are not significant contributors of pollutants. Such discharges may include: discharges from fire hydrant flushings; waters used to wash vehicles where detergents are not used; water used to control dust; potable water sources including waterline flushings; routine external building wash down which does not use detergents; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; uncontaminated ground water or spring water; and foundation or footing drains where flows are not contaminated with process materials such as solvents. BMPS shall be implemented if needed to minimize impacts of these discharges. Non-stormwater discharges that are significant contributors of pollutants shall be eliminated or authorized under a separate permit. Although fire-fighting drainage may contain significant pollutant concentrations, the frequency of occurrence is low and the discharge is hereby authorized out of necessity.

I.C EFFLUENT LIMITATIONS, MONITORING REQUIREMENTS AND CONDITIONS

- I.C.1** During the period beginning on the effective date of this general permit, and lasting until the general permit expires, the activities shall be limited and, as applicable, monitored by the Permittee as specified below.
- I.C.2** Samples taken in compliance with the monitoring requirements specified below shall be taken prior to discharge into the receiving water.
- I.C.2.i** If sampling is required, the sample must be taken within the first thirty (30) minutes of the discharge where practicable. Otherwise, a grab sample must be obtained as soon as practicable.
- I.C.3** Permittee SWPPP
- I.C.3.i** A Permittee shall prepare and implement a SWPPP prior to commencement of activity. A Permittee shall implement BMP measures to ensure compliance with the terms and conditions of this general permit. The SWPPP shall be prepared in accordance with professional and/or good engineering practice and is subject to approval by NDEP.
- I.C.3.ii** SWPPP's shall be submitted to NDEP within 6 months of the effective date of this permit or approval of the submitted NOI. SWPPP's shall also be available for inspection at the project site or operation covered by this permit. The purpose of the SWPPP is to guide the identification of stormwater pollution sources, the reduction of their impacts, and otherwise lead to compliance with the conditions of this permit. Each of the SWPPP elements must be revised as necessary to maintain accuracy if there are changes in design or construction of the project or if the SWPPP is found to be insufficient.
- I.C.3.iii** NDEP may require modifications to a SWPPP within a specified time frame.
- I.C.3.iv** The permittee shall make SWPPPs available upon request to the State or local agency approving sediment and erosion plans, grading plans, or storm water management plans; local government officials; or the operator of a municipal separate storm sewer receiving discharges from the site.
- I.C.3.v** The copy of the SWPPP that is required to be kept on the mining site or locally available must be made available to NDEP for review at the time of an on-site inspection.
- I.C.3.vi** Each SWPPP shall include a description of appropriate control measures (i.e., BMPs) that will be implemented as part of site activity to control pollutants in storm water discharges.
- I.C.3.vii** The Permittee must address the following components in development of the SWPPP:

I.C.3.vii.a	Narrative description of the site(s) and the purpose and nature, scope, and proposed discharge;
I.C.3.vii.b	Location with physical address of the facility project and list of responsible contact persons on and off site and their address and phone numbers;
I.C.3.vii.c	Regional topographic map (U.S.G.S. 7.5 Min. Quad map) showing project area, and a Site map(s) showing point(s) of potential sources and respective discharge; all mining areas, buildings, facilities, disposal and storage areas, associated drainage areas, roads, stormwater control structures, ground cover .
I.C.3.vii.d	Description of BMPs planned to be installed and implemented to protect water quality, and to prevent sedimentation, erosion and scour in the receiving water during the active discharge;
I.C.3.vii.e	Describe Implementation schedules for BMP's;
I.C.3.vii.f	Minimum BMPs to be considered and included as appropriate in the SWPPP include: good housekeeping, employee training (at least one session per year), erosion, diversion and sediment controls, preventative maintenance, visual inspections, material handling and storage practices that minimize exposure of pollutants to stormwater, spill prevention and response, stormwater control structures, and control measures that will be implemented so that water quality standards are not violated;
I.C.3.vii.g	Latitude and Longitude, Township, Range and Section of discharge point(s);
I.C.3.vii.h	Estimated discharge rate(s) in GPM from each site and the total estimated volume of discharge;
I.C.3.vii.i	Identify sources of potential pollutants that may be discharged as a result of a stormwater event;
I.C.3.vii.j	A description of the intended sequence of major activities which disturb soils for major portions of the site (e.g., mining, grubbing, excavation, grading, utilities and infrastructure installation);
I.C.3.vii.k	Estimates of the total area of the site and the total area of the site that is expected to be disturbed by excavation, grading, or other activities including offsite borrow and fill areas;
I.C.3.vii.l	Drainage patterns and approximate slopes anticipated after major grading;
I.C.3.vii.m	Activities; areas of soil disturbance;
I.C.3.vii.n	Areas which will not be disturbed;
I.C.3.vii.o	Locations of structural and nonstructural controls identified in the SWPPP;

- I.C.3.vii.p** Locations where stabilization practices are expected to occur;
- I.C.3.vii.q** Borrow or equipment storage areas;
- I.C.3.vii.r** Waters of the U.S. (including wetlands);
- I.C.3.vii.s** Locations where storm water discharges to a Water of the U.S.;
- I.C.3.vii.t** Location and description of any discharge associated with Mining or site activity;
- I.C.3.vii.u** The name of the receiving water(s) and the aerial extent and description of wetland or other special aquatic sites at or near the site which will be disturbed or which will receive discharges from disturbed areas of the project; and,
- I.C.3.viii** *Spills and Leaks* - List, describe, and quantify all spills and leaks of Clean Water Act or CERCLA reportable quantities that have occurred from three years prior to the SWPPP date to present. Describe each clean up action taken.
- I.C.3.ix** *Non-Stormwater Discharges* - List all miscellaneous non-stormwater discharges authorized pursuant to Part I.C.11 of this permit, and any other non-stormwater discharges that may occur. List BMPs used to minimize impacts of these discharges.
- I.C.3.x** *Responsible Individuals* - Identify those individuals or positions within an organization, which are responsible for implementation of the SWPPP and the respective phone numbers.
- I.C.4** A Permittee must revise the SWPPP whenever a change in design, operation, maintenance procedures, etc. occurs that may cause a significant effect on the discharge of pollutants to surface waters. The SWPPP must be amended if inspections indicate a control has been used inappropriately or incorrectly or the SWPPP is ineffective in eliminating or significantly reducing pollutants in the discharge. The SWPPP and control must be updated to identify and correct any deficiencies noted.
- I.C.5** Precautions shall be taken to control pollution, erosion and sedimentation that could impact water quality, aquatic life and or Waters of the U.S.. BMP's shall be implemented during discharge to prevent, control and minimize the generation, migration and transport of any pollutants, including sediments, within or into any Waters of the U. S. that may degrade water quality or damage aquatic life, as applicable.
- I.C.6** No dredge or fill materials shall be discharged to waters of the U. S., except as authorized by a permit issued under section 404 of the CWA.
- I.C.7** The SWPPP shall be consistent with applicable State, and/or local waste disposal, sanitary sewer or septic system regulations to the extent these are located within the permitted area.

- I.C.8** The SWPPP shall include a description of construction and waste materials expected to be stored on-site with updates as appropriate. The SWPPP shall also include a description of controls to reduce pollutants from these materials including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response.
- I.C.9** Construction Site Stormwater Discharges:
- I.C.9.i** In addition to the above requirements, all construction site stormwater discharges within the Mining site that are subject to NPDES permit requirements shall be controlled in accordance with the SWPPP. For purposes of this general permit, construction sites do not include those areas of disturbance related to exploration or mining activities, i.e., the permit's additional construction requirements do not apply to activities associated with determining the site's financial viability for mine development; the extraction of the ore from the earth and the construction of heap leach pads, waste rock facilities, tailings impoundments or roads (provided those roads are not constructed with overburden, raw material, intermediate products, finished product, byproduct or waste product). Construction sites are, for purposes of the construction site requirements of this permit, limited to areas of disturbance associated with building construction or road construction (where those roads are constructed with mine materials) if those activities are subject to NPDES permit requirements. The construction site SWPPP may be a separate document created specifically for the project or part of the overall Mining site SWPPP. In either case, the construction site SWPPP must address the following minimum elements:
- I.C.9.i.a** Construction schedule;
- I.C.9.i.b** Acreage to be disturbed by the construction activity;
- I.C.9.i.c** Site plan drawing with discharge points and BMPs shown;
- I.C.9.i.d** BMPs for erosion and sediment control;
- I.C.9.i.e** BMP maintenance/repair;
- I.C.9.i.f** A description of the storm drain facilities that will be built as part of the project, and
- I.C.9.i.g** The post construction BMPs associated with the operation of those storm drains.
- I.C.9.ii** The construction-phase erosion and sediment controls shall be designed to retain sediment on site in accordance with permit conditions.
- I.C.9.iii** Off-site vehicle tracking of sediments and the generation of dust shall be minimized.
- I.C.9.iv** Sediment must be removed from sediment traps or sedimentation ponds when design capacity has been reduced by 50%.

- I.C.9.v** Litter, construction debris, and construction chemicals exposed to stormwater shall be prevented from becoming a pollutant source for storm water discharges (e.g., screening outfalls, picked up daily).
- I.C.9.vi** Stabilization Practices: The SWPPP must include a description of interim and permanent stabilization practices for the site, including a schedule of when the practices will be implemented. Site plans should ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized. Stabilization practices may include but are not limited to: establishment of temporary vegetation, establishment of permanent vegetation, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures.
- I.C.9.vi.a** Except as provided below, stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased.
- I.C.9.vi.a.1** Where the initiation of stabilization measures by the 14th day after construction activity temporary or permanently cease(s) is precluded by snow cover or frozen ground conditions, stabilization measures shall be initiated as soon as practicable.
- I.C.9.vi.a.2** Where construction activity on a portion of the site is temporarily ceased, and earth-disturbing activities will be resumed within 21 days, temporary stabilization measures do not have to be initiated on that portion of site.
- I.C.9.vii** The SWPPP must include a description of structural practices to divert flows from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable.
- I.C.9.viii** Structural practices may include but are not limited to: silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins.
- I.C.9.ix** Placement of structural practices in floodplains should be avoided to the degree attainable.
- I.C.9.x** The installation of these devices may be subject to section 404 of the CWA.
- I.C.9.xi** For common drainage locations that serve an area with ten (10) or more acres disturbed at one time, a temporary (or permanent) sediment basin that provides storage for a calculated volume of runoff from a 2 year, 24 hour storm from each disturbed acre drained, or equivalent control measures, shall be provided where attainable until final stabilization of the site.

- I.C.9.xii** Where no such calculation has been performed, a temporary (or permanent) sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent control measures, shall be provided where attainable until final stabilization of the site.
- I.C.9.xiii** In determining whether installing a sediment basin is attainable, the Permittee may consider factors such as site soils, slope, available area on site, etc.
- I.C.9.xiv** For drainage locations which serve ten (10) or more disturbed acres at one time and where a temporary sediment basin or equivalent controls is not attainable, smaller sediment basins and/or sediment traps should be used. Where neither the sediment basin nor equivalent controls are attainable due to site limitations, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries of the construction area and for those side slope boundaries deemed appropriate as dictated by individual site conditions.
- I.C.9.xv** For drainage locations serving less than 10 acres, smaller sediment basins and/or sediment traps should be used. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of the construction area unless a sediment basin providing storage for a calculated volume of runoff from a 2 year, 24 hour storm or 3,600 cubic feet of storage per acre drained is provided.
- I.C.9.xvi** Stormwater Management - A description of measures that will be installed during the construction process to control pollutants in stormwater discharges that will occur after construction operations have been completed must be included in the SWPPP. Structural measures should be placed on upland soils to the degree attainable.
- I.C.9.xvii** Stormwater Management practices may include but are not limited to: storm water detention structures (including wet ponds); storm water retention structures; flow attenuation by use of open vegetated swales and natural depressions; infiltration of runoff onsite; and sequential systems (which combine several practices). The SWPPP shall include an explanation of the technical basis used to select the practices to control pollution where flows exceed predevelopment levels.
- I.C.9.xviii** As necessary, velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel to provide a non-erosive flow velocity from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g., no significant changes in the hydrological regime of the receiving water).
- I.C.10** Inspections:
- I.C.10.i** Implementation and functioning of the SWPPP must be verified by inspections performed by the permittee.
- I.C.10.ii** All facility areas contributing to a stormwater discharge authorized by this permit

shall be inspected.

- I.C.10.iii** Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Sediment and erosion control measures identified in the SWPPP shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters. Where discharge locations are inaccessible, nearby downstream locations shall be inspected to the extent that such inspections are practicable. Locations where vehicles enter or exit the site shall be inspected for evidence of offsite sediment tracking.
- I.C.10.iv** Based on the results of the inspection, the SWPPP shall be modified as necessary (e.g., show additional controls on the site map; revise description of controls) to include additional or modified BMPs designed to correct problems identified. Revisions to the SWPPP shall be completed within 30 calendar days following the inspection. If existing BMPs need to be modified or if additional BMPs are necessary, implementation shall be completed within 30 days following receipt of the inspection results or prior to the next anticipated storm event, whichever is sooner.
- I.C.10.v** A report summarizing the scope of the inspection, name(s) and qualifications of personnel making the inspection, the date(s) of the inspection, and major observations relating to the implementation of the SWPPP shall be made and retained as part of the SWPPP. Major observations should include:
- I.C.10.v.a** location(s) of discharges of sediment or other pollutants from the site;
- I.C.10.v.b** location(s) of BMPs that need to be maintained;
- I.C.10.v.c** location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location;
- I.C.10.v.d** a discussion describing the reason(s) for any failure of BMPs; and,
- I.C.10.v.e** location(s) where additional BMPs are needed that did not exist at the time of inspection.
- I.C.10.vi** Actions taken shall be made and retained as part of the SWPPP. Such reports shall identify any incidents of noncompliance. Where a report does not identify any incidents of noncompliance, the report shall contain a certification that the facility is in compliance with the SWPPP. The report shall be signed in accordance with the permit.
- I.C.10.vii** Inactive mines shall be inspected a minimum of once per year or every three years if annual inspections are impractical. Activities at active mine sites that are subject to this permit (and not characterized as construction) must be inspected at least once per year.

- I.C.10.viii** For construction activities at mine sites, qualified personnel (provided by the Permittee) shall inspect disturbed areas associated with construction activities that are still being stabilized, as per the terms and schedule of the SWPPP, areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site, at least once every seven (7) calendar days and within 24 hours of the end of a 10-year, 24-hour storm event.
- I.C.10.ix** For construction activities at active mine sites, Permittees are eligible for a waiver of weekly inspection requirements until one month before thawing conditions are expected to result in a discharge if all of the following requirements are met:
- I.C.10.ix.a** The project is located in an area where frozen conditions are anticipated to continue for extended periods of time (i.e., more than one month);
- I.C.10.ix.b** Land disturbance activities have been suspended; and
- I.C.10.ix.c** The beginning and ending dates of the waiver period are documented in the SWPPP.
- I.C.11** Non-Storm Water Discharges:
- I.C.11.i** Except for flows from fire fighting activities, sources of non-storm water that are combined with storm water discharges must be identified in the SWPPP. The SWPPP shall identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge.
- I.C.12** Stormwater Monitoring Plan:
- I.C.12.i** Existing Permit holders for active mines shall comply with the requirements of I.C.12.i.a, I.C.12.i.b, or I.C.12.i.c below.
- I.C.12.i.a** Within six months of the effective date of this permit, the permittee shall submit to NDEP for review and approval, a monitoring plan for sampling stormwater discharges from waste rock dumps and overburden piles to waters of the U. S. The updated monitoring plan shall be included as a separate section within the SWPPP. At a minimum, the plan shall include monitoring for total suspended solids, hardness and all Nevada Profile I parameters. The monitoring frequency shall be a minimum of once/year for discharge points into Waters of the U. S. To the extent that monitoring is already required by NDEP and the plan already addresses the monitoring requirements of this section, the permittee shall provide a copy of the submitted Plan and Reporting Requirements to NDEP to satisfy the monitoring requirements of this permit. Upon review, NDEP may notify the permittee that the monitoring plan is insufficient to evaluate compliance with the requirements and objectives of this permit. In such a circumstance, NDEP may require modifications to the monitoring plan which must be implemented within a time frame determined by the NDEP; or

- I.C.12.i.b** Within six months of the effective date of this permit, the permittee shall submit to NDEP for review and approval, information, as a separate section within the SWPPP, indicating that any stormwater discharges from waste rock dumps and overburden piles to waters of the U.S. will not cause or contribute to exceedances of applicable state water quality standards. At a minimum, such information shall include the following:
- I.C.12.i.b.1** A statement as to why any stormwater discharges from waste rock dumps and overburden piles to waters of the U.S. will not cause or contribute to exceedances of applicable state water quality standards; that discharge to jurisdictional waters of the United States
- I.C.12.i.b.2** A description of the BMP's and any other treatment practices that are presently in-place or are planned to be installed, including supporting information for any assumptions made concerning the effectiveness of the BMPs or treatment;
- I.C.12.i.b.3** A plan for BMP maintenance, including routine visual monitoring and site inspections;
- I.C.12.i.b.4** A plan for the identification and correction of leaks, spills, and other types of events that can impact storm water quality; and
- I.C.12.i.b.5** Any additional information addressing source control or otherwise related to storm water management at mine sites.
- I.C.12.i.c** A combination of I.C.12.i.a. and I.C.12.i.b. above for multiple discharge points.
- I.C.12.i.d** If NDEP disapproves information submitted pursuant to Part I.C.12.i.b, the permittee shall be required to submit for review and approval, within 60 days, at NDEP's discretion, either a monitoring plan pursuant to Part I.C.12.i.a., or a Corrective Action Plan pursuant to Part I.D.12.iii. If NDEP does not provide a written concurrence that information submitted pursuant to Part I.C.12.i.b clearly demonstrates that there is no reasonable potential for exceedances of applicable state water quality standards within six months of submittal of the information, within 60 days after the close of this six month period, the permittee shall submit a monitoring plan to NDEP for review and approval pursuant to Part I.C.12.i.a. Further, if NDEP initially concurs that there is not a reasonable potential for exceedances of applicable state water quality standards, the concurrence may be withdrawn, and a monitoring plan may be required, based on information in the permittee's annual report (including, but not limited to, photo documentation of the water management BMPs and the discharge point BMPs), NDEP inspections, or other relevant information.
- I.C.12.ii** New facilities which commence discharges after the effective date of this permit shall prepare a stormwater monitoring plan in accordance with Part I.C.12.i.a of this permit, or prepare information in accordance with Part I.C.12.i.b of this permit, or comply with a combination of Part I.C.12.i.a and Part I.C.12.i.b above for multiple discharge points.

I.C.12.iii Corrective Action Plan for Exceedances of Water Quality Standards

I.C.12.iii.a Upon a determination by the permittee or NDEP that the discharges are causing or contributing to an exceedance of applicable state water quality standards, the permittee shall develop and implement an action plan (with supplemental BMPs or treatment practices, and including an implementation schedule) to ensure that future discharges do not cause or contribute to exceedances. The action plan shall be submitted to NDEP within 60 days of the determination unless additional time is provided by NDEP. Upon review, NDEP shall notify the permittee within 6 months if the information is insufficient to ensure compliance with the requirements and objectives of this permit. In such a circumstance, NDEP may require modifications to the action plan which must be implemented within a time frame determined by NDEP.

I.C.12.iv The permittee must contact the Nevada Division of Water Resources (NDWR) to determine if there are any water rights holders down stream from the site that may be impacted by the site. If it is determined that there are down stream water rights holders that may be impacted, the water rights permit number(s) issued by NDWR must be included in the plan.

I.C.12.iv.a The permittee must contact NDWR to determine if any proposed or existing water impoundment structures will require permits pursuant to NAC Chapter 535 inclusive.

I.C.13 Annual Reports

I.C.13.i Annual Reports shall be submitted to NDEP each year on or before December 1. The reports shall document inspection findings; update spill, leak, and unauthorized discharge information including clean up and preventive actions taken; evaluate the effectiveness of the SWPPP in reducing pollutant loads; and provide a schedule for modifying the BMPs and revising the SWPPP if further reductions of pollutant loads can be reasonably achieved. Any SWPPP revisions shall be submitted with the annual reports. The annual reports shall include any monitoring data collected, including data collected in accordance with Part I.C.12 of this permit, and a summary and interpretation of that data. In addition, the annual reports shall provide an estimate of the total volume of stormwater which was discharged to jurisdictional waters of the U.S. from each outfall during the year (if any) and the number of discharge events. Each report shall include a certification that the facility is in compliance with the SWPPP and the permit, and identify any incidents of non-compliances.

I.C.13.ii Inspections, reports, evaluations and SWPPP revisions may be performed every three years by inactive mines. Under this option, the report must be prepared under the supervision of and stamped by a professional engineer registered in the State of Nevada. All other requirements remain the same.

- I.C.13.iii** Photo Documentation: Compliance with the terms and conditions of this general permit shall also be monitored by means of photo documentation of the water management BMPs and the discharge point BMPs (prior to discharge to a water of the U.S.). The photos shall be submitted as part of the Annual Report with a brief summary narrative. Photos shall be taken from established photo points, and shall show representative views of the BMPs and discharge points on site. The photography shall present the scope of operations with project sites, monitoring location(s), discharge point(s), and any relevant activity related to the discharge and water quality protection as stated above. A copy of the annual report with photos shall be retained on the site, be reasonably accessible and available to NDEP upon its request. Annual reports can incorporate previous years' photos provided those photos remain representative of the referenced BMPs.

I.D MONITORING AND REPORTING

- I.D.1** Representative Samples: Samples and measurements taken as required herein shall be representative of the nature and volume of the monitored discharge. Analysis shall be performed by a State of Nevada certified laboratory. Results from this lab must accompany the Discharge Monitoring Report Form (DMR) and monitoring results shall be submitted to the address listed in I.D.8 within 30 days of the discharge.
- I.D.2** Test Procedures: Test procedures for the analysis of pollutants shall conform to regulations (40 CFR, Part 136) published pursuant to Section 304(h) of the Act, under which such procedures may be required unless NDEP approves other procedures.
- I.D.3** Modification of Monitoring Frequency and Sample Type: After considering monitoring data, stream flow, discharge flow and receiving water conditions, NDEP, may for just cause, modify the monitoring frequency and/or sample type by issuing an order to the Permittee.
- I.D.4** Recording the Results: For each measurement or sample taken pursuant to the requirements of this general permit, the Permittee shall record the following information:
- I.D.4.i** The exact place, date, and time of sampling;
 - I.D.4.ii** The dates the analyses were performed;
 - I.D.4.iii** The person(s) who performed the analyses;
 - I.D.4.iv** The analytical techniques or methods used; and
 - I.D.4.v** The results of all required analyses.

- I.D.5** Additional Monitoring by Permittee: If the Permittee monitors any pollutant at the location(s) designated herein more frequently than required by this general permit, using approved analytical methods and laboratories as specified above, the results of that monitoring shall be included in the next annual or monitoring report submitted to NDEP on the Discharge Monitoring Report Form. Such increased frequency shall also be indicated on the DMR.
- I.D.6** Records Retention: All records and information resulting from the monitoring activities required by this general permit, including all records of analyses performed and calibration and maintenance of instrumentation and recordings from continuous monitoring instrumentation, shall be retained for a minimum of three (3) years, or longer if required by the Administrator.
- I.D.7** Detection Limits: All laboratory analysis conducted in accordance with this discharge general permit must have detection at or below the general permit limits or the method detection limit as defined in the analytical method.
- I.D.8** Address for Submittal
- I.D.8.i** All Notices of Termination, filing fees, reports, SWPPPs and any other information submitted pursuant to this permit shall be submitted to NDEP at the following address.

Compliance Coordinator
Nevada Division of Environmental Protection
Bureau of Water Pollution Control
901 South Stewart Street, Suite 4001
Carson City, Nevada 89701

Part II GENERAL CONDITIONS

- II.A.1** Annual Fee: The Permittee shall remit an annual review and services fee in accordance with NAC 445A.232 on or before July 1 of every year that the Permittee is authorized to discharge under this general permit.
- II.A.2** General permit Re-issuance For ongoing projects: The Permittee will be included in the reissued general permit after this general permit expires, or will be informed of other permitting requirements. The Permittee will receive public notice if NDEP determines to reissue the general permit.
- II.A.3** Facilities Operation: The Permittee shall at all times maintain in good working order and operate as efficiently as possible all equipment and ancillary BMPs used by the Permittee to achieve compliance with the terms and conditions of this general permit.
- II.A.4** Need to Halt or Reduce Activity Not a Defense: It shall not be a defense for the Permittees in an enforcement action that it would have been necessary to halt or reduce the permitted activity under the Permittees control in order to maintain

compliance with the conditions of this permit.

- II.A.5** There shall be no discharge of substances to Waters of the State that would cause a violation of water quality standards of the State of Nevada.
- II.A.6** There shall be no objectionable odors resulting from activities authorized by this general permit.
- II.A.7** Removed Substances: Solids or other pollutants removed in the course of treatment or control of stormwater shall be disposed of in a manner such as to prevent pollution from such materials from entering any surface water.
- II.A.8** Noncompliance, Unauthorized Discharge, Bypass, and Upset:
- II.A.8.i** Any diversion, bypass, spill, overflow, upset or discharge of treated or untreated stormwater from stormwater treatment or conveyance facilities under the control of the permittee is prohibited except as authorized by this permit. In the event the permittee has knowledge that a diversion, bypass, spill, overflow, upset or discharge not authorized by this permit is imminent, the permittee shall notify NDEP immediately.
- II.A.8.ii** The permittee shall notify NDEP within twenty four hours of any diversion, bypass, spill, overflow, upset or discharge of treated or untreated stormwater other than that which is authorized by the permit. A written report shall be submitted to NDEP within five business days detailing the entire incident including:
- II.A.8.ii.a** time and date of discharge
- II.A.8.ii.b** exact location and estimated amount of discharge
- II.A.8.ii.c** flow path and any bodies of water which the discharge reached
- II.A.8.ii.d** the specific cause of the discharge, and
- II.A.8.ii.e** the preventive and/or corrective actions taken.
- II.A.8.iii** The following shall be included as information which must be reported within twenty four hours:
- II.A.8.iii.a** any unanticipated bypass which exceeds any effluent limitation in the permit
- II.A.8.iii.b** any upset which exceeds any effluent limitation in the permit
- II.A.8.iii.c** violation of a limitation for any toxic pollutant or any pollutant identified as the method to control a toxic pollutant.
- II.A.8.iv** A "bypass" means the intentional diversion of stormwater from any portion of a treatment facility.

- II.A.8.iv.a** The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts II.A.9.
- II.A.8.iv.b** If the permittee knows in advance of the need for a bypass, the permittee shall submit prior notice, if possible at least ten days before the date of bypass.
- II.A.8.v** Bypass is prohibited, and the NDEP may take enforcement action against a permittee for bypass, unless:
- II.A.8.v.a** Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage
- II.A.8.v.b** There were no feasible alternatives to the bypass. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance, and
- II.A.8.v.c** The permittee submitted notices as required under Part II.A.9.iv.b.
- II.A.8.vi** NDEP may approve an anticipated bypass, after considering its adverse effects, if NDEP determines that it will meet the three conditions listed in Part II.A.9.v.
- II.A.8.vii** An "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- II.A.8.viii** An upset constitutes an affirmative defense to an action brought for non-compliance with such technology based permit effluent limitations if the requirements of Part II.A.9.ix are met.
- II.A.8.ix** A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
- II.A.8.ix.a** An upset occurred and that the permittee can identify the cause(s) of the upset,
- II.A.8.ix.b** The permitted facility was at the time being properly operated,
- II.A.8.ix.c** The permittee submitted notice of the upset as required under Part II.A.11, and
- II.A.8.ix.d** The permittee complied with any remedial measures required under Part II.A.10.
- II.A.8.x** In selecting the appropriate enforcement option, NDEP shall consider whether or not the noncompliance was the result of an upset. The burden of proof is on the permittee to establish that an upset occurred.

- II.A.9** Change in Discharge: All discharges authorized herein shall be consistent with the terms and conditions of this general permit. Any anticipated new discharges at the site which will result in new, different, or increased discharges of pollutants must be reported to NDEP. Pursuant to NAC 445A.263, the general permit may be modified to specify and limit any pollutants not previously limited.
- II.A.10** Adverse Impact: The Permittee shall take all reasonable steps to minimize any adverse impact to receiving waters resulting from noncompliance with this general permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge. The Permittee shall carry out such measures, as reasonable, to prevent significant adverse impacts on human health or the environment.
- II.A.11** 24 Hour Reporting: The Permittee shall orally report any noncompliance or discharge which may seriously endanger health or the environment as soon as possible, but no later than 24 hours from the time the Permittee becomes aware of the circumstances. the report shall be made to NDEP at (775) 687-4670 during normal business hours. A written report shall also be submitted to NDEP within ten days of the time the Permittee becomes aware of the circumstances. The written submission shall contain a description of the event, and its cause; the period of time over which it occurred, including exact dates and times, and if the situation has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence.
- II.A.12** Right of Entry: The Permittee shall allow the Administrator and/or his authorized representatives, upon the presentation of credentials:
- II.A.12.i** To enter upon the Permittee's premises where a discharge is or could be located or in which any records are required to be kept under the terms and conditions of this general permit; and
- II.A.12.ii** At reasonable times, to have access to and copy any records required to be kept under the terms and conditions of this general permit; to inspect any monitoring equipment or monitoring method required in this general permit; and to perform any necessary sampling to determine compliance with this general permit or to sample any discharge.
- II.A.13** Transfer of Ownership or Control: In the event of any change in control or ownership of facilities from which the authorized discharge emanates, the Permittee shall notify the succeeding owner or controller of the existence of this permit, by letter, a copy of which shall be forwarded to the Administrator. The Administrator may require modification or revocation and re-issuance of the permit to change the name of the Permittee and incorporate such other requirements as may be necessary. The Administrator shall approve all transfer of permits.

- II.A.14** Availability of Reports: Except for data determined to be confidential under NRS 445A.665, all reports prepared in accordance with the terms of this general permit shall be available for public inspection at the office of the NDEP. As required by the Act, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in NRS 445A.710.
- II.A.15** Furnishing False Information and Tampering with Monitoring Devices: Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained by the provisions of NRS 445A.300 to 445A.730, inclusive, or by any general permit, rule, regulation or order issued pursuant thereto, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required to be maintained under the provisions of NRS 445A.300 to 445A.730, inclusive, or by any general permit, rule, regulation or order issued pursuant thereto, is guilty of a gross misdemeanor and shall be punished by a fine of not more than \$10,000 or by imprisonment. This penalty is in addition to any other penalties, civil or criminal, provided pursuant to NRS 445A.300 to 445A.30 inclusive.
- II.A.16** Penalty for Violation of General permit Conditions: Nevada Revised Statutes NRS 445A.675 provides that any person who violates a general permit condition is subject to administrative and judicial sanctions as outlined in NRS 445A.690 through 445A.705.
- II.A.17** General Permit Modification, Suspension or Revocation: After notice and opportunity for a hearing, this general permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:
- II.A.17.i** Violation of any terms or conditions of this general permit;
- II.A.17.ii** Obtaining this general permit by misrepresentation or failure to disclose fully all relevant facts; or
- II.A.17.iii** A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- II.A.18** Liability: Nothing in this general permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable Federal, State or local laws, regulations, or ordinances.
- II.A.19** Property Rights: The issuance of this general permit does not convey any property rights, in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.
- II.A.20** Severability: The provisions of this general permit are severable, and if any provision of this general permit, or the application of any provisions of this general permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this general permit, shall not be affected thereby.

II.A.21 Signatures requirements:

II.A.21.i All Notices of Intent and reporting forms shall be signed as follows:

II.A.21.i.a A principal executive officer of the corporation (of at least the level of vice president) or his authorized representative who is responsible for the overall operation of the facility for which the discharge described in the application or reporting form originates; or

II.A.21.i.b A general partner of the partnership.

II.A.21.i.c The proprietor of the sole proprietorship.

II.A.21.i.d A principal executive officer, ranking elected official or other authorized employee of the municipal, state or other public facility.

II.A.21.ii SWPPPs, Monitoring Reports, and all other information required by NDEP shall be signed by a person described in paragraph II.A.21 or by a duly authorized representative of that person. A person is a duly authorized representative only of:

II.A.21.iii The authorization is made in writing by a person described in paragraph a. of this section, or

II.A.21.iii.a The authorization specifies either an individual or a position within the organization, and

II.A.21.iii.b The written authorization is submitted to the Director.

II.A.21.iv Changes to Authorization: If an authorization under paragraph II.A.21 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph II.A.21 must be submitted to NDEP prior to or together with any reports, information, or applications to be signed by an authorized representative.

II.A.21.v Each application, report and any other information submitted must contain a certification by the person signing the application that he is familiar with the information provided, that to the best of his knowledge and belief the information is complete and accurate and that he has the authority to sign and execute the application.